

**Notice of Allowability**

Application No.

09/238,261

Applicant(s)

INOUE ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filled on 08/01/05.
2. ☒ The allowed claim(s) is/are 32-33,36-38,40-41,43-45 and 47-54 and renumbered as 1,6,2-4,7,12,8,9,10,13,5,11,14-18 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
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## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 32-33, 36-38, 40-41, 43-45 and 47-54 are allowed.
2. The following is an examiner's statement of reasons for allowance: with respect to claims 32 and 40 of the instant invention is directed to a broadcast-program selection history information acquisition apparatus and method. The most relevant prior art of record **Aras et al (5,872,588)** disclose method and apparatus for monitoring audio-visual materials presented to a subscriber. **Seidman et al (6,298,482)** disclose creation and transmission of records of the user viewing selection histories. **Hendricks et al (5,798,785)** disclose various data gathering and analysis techniques, used to customize selection of programs for display on a menu, and suggesting programs offered on a television program delivery system. **Bestler et al (5,535,206)** disclose upstream data transmission system for cable television. **Johnson (5,053,883)** discloses terminal polling method. However neither **Aras, Seidman, Hendricks, Bestler** nor **Johnson** and any of the cited references, teach or suggest, alone or in combination the feature of "periodically transmit selection history information to the notification station at a transmission timing assigned at random in accordance with an intrinsic random number, and not in response to a data transfer request received from a device external to the broadcast-program selection history information acquisition apparatus..." as recited in combination with other features of independent claims 32 and 40.

With respect to claims 33 and 41, neither **Aras, Seidman, Hendricks, Bestler** nor **Johnson** and any of the cited references, teach or suggest, alone or in combination

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the feature of “generate a random number and to assign a transmission timing corresponding to the random number based on a telephone number assigned to the telephone and transmission means operable to transmit selection history information including a plurality of pieces of the selection information stored at a plurality of the acquisitions times through a predetermined telephone line to a notification destination at the said timing.” as recited in combination with other features of independent claims 33 and 41.

With respect to claim 47, neither **Aras, Seidman, Hendricks, Bestler** nor **Johnson** and any of the cited references, teach or suggest, alone or in combination the feature of “...transmit a signal representative of audience rating data based on the stored selection information to a notification destination at a transmission timing assigned at random in accordance with the random number, and not in response to a data transmission timing being assigned within a predetermined restriction range of hours...” as recited in combination with other features of independent claim 47.

With respect to claim 51, neither **Aras, Seidman, Hendricks, Bestler** nor **Johnson** and any of the cited references, teach or suggest, alone or in combination the feature of “...to require authorizing input from a user upon each restoration of power to the broadcast-program selection history information acquisition apparatus after a loss of power thereto, as a condition to causing the selection information to be stored in the storage unit...” as recited in combination with other features of independent claim 47.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vos et al (5,675,635) disclose system and method for conducting poll at a processor associated with the originating switch.

Eisdorfer et al (5,960,348) disclose technique for use in processing telephone calls.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).



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